

**Report on Investigation of
Allegations of “Corruption” and Official Oppression
in the Katy I.S.D. Police Department**

(Not to be released without formal action by a majority of the Board of Trustees)

February 25, 2019

LITTLER MENDELSON, P.C.

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The Dolan Claims

In the late evening of January 28, 2019, at 11:18 p.m., Sean Dolan posted claims (the “Dolan Claims”) that he had informed Katy ISD Superintendent of “corruption occurring in the Katy ISD police department.” The implication was that the District did not pay attention to these allegations, but in actuality, the District’s Chief Executive did speak directly with Mr. Dolan. In fact, he did so at the January Board meeting and while the Superintendent declined to use Mr. Dolan as an “intermediary” for obvious reasons, he did offer to speak with whoever was complaining of corruption. Mr. Dolan refused. Thereafter, Mr. Dolan publicly posted that an allegation was “reported” to him by a “former police administrator.”

The only particulars Mr. Dolan gave were:

“[P]olice statements from students are being changed by Katy ISD police to protect the district. These statements are later used in real courts to sentence real students to real jails.”

Mr. Dolan claimed “many officers have left the force due to the lack of integrity.” He wrote that these officers “are willing to go on the record,” but he “advised them not to.”

PIR Request: Connected with the Dolan Claims – on January 7, Mr. Dolan made a request (“PIR Request”) for five case files from Katy ISD Police Department, including case number, crime, date, loss, recovery, location and responding officer, under the Request for Public Information Act. As required by law, Katy ISD referred the PIR Request to the Texas Attorney General for a determination on exceptions for disclosure.

Littler Retained to Investigate

The Request: Within 48 hours of Mr. Dolan’s January 28 post, Katy ISD, acting through its General Counsel and Superintendent, asked me to conduct an investigation into the Dolan Claims. The clear direction that we were given was that if a crime, as alleged in the Dolan Claims, appeared to have been committed, we were to report it, without even waiting for the District’s approval. Potential crimes—if the Dolan Claims proved true--included suborning perjury, official oppression, witness tampering, possible federal civil rights violations, and fraud.

The Reason: The reason for the administration’s approach was if crimes were being committed by Katy ISD police officers against schoolchildren, the need to determine who was doing that, how they were doing that, who was aiding or abetting them, and which children had been wrongfully convicted or affected, was absolutely critical. Since Mr. Dolan was not necessarily going to provide more assistance, based on his refusal to give the Superintendent information, the District took a broader approach, because the philosophy was “extreme need to know.”

Why bring in someone from outside the District? The competing narratives of “witch hunt” versus “whitewash” are as old as investigations themselves, and both tend to be more likely when an institution is trying to investigate itself. Too many people know each other, and the conclusions are thus distrusted. A fresh set of eyes with an unbiased mindset is crucial. Choosing to use an outside investigatory group was needed, because an institution is best served, when trying to find

and eradicate corruption, not trying to “investigate itself.” The scale of this approach necessitated a firm with appropriate resources.

Qualifications: Littler, the largest employment law firm in the world, leads the nation in workplace investigations. And in particular, there are very few attorneys in the entire country who have led more public institution investigations than I have.

These have spanned the gamut of educational issues, law enforcement, corruption, and abuse of power: special education abuse, theft rings, cash management, Title IX coordination, sexual abuse, human trafficking, vendor fraud, bond irregularities, molestation, rape, athlete safety, reorganizations, department reviews, on-line bullying, loss of trust, illicit loan programs, cheerleader constitutions, drug abuse by teachers, suicide, and cheating. The number is between 90 and 100, now. We did not know, going in, how complex it would be, or if it would garner significant media, or involve referral to state or federal authorities; these are my specialties.

Most of my investigations have either been conducted under the glare of media focus, sometimes even including coordination with Homeland Security or the FBI or local law enforcement. Almost always, significant numbers of people and documents must be located and understood.

Independence: Our recommendations are not uniform, and our findings stay independent. We do not allow an institution to steer our investigations, or shield relevant people or problems from our review; our findings and conclusions are only as valuable as our autonomy. Thus, the results of investigations I have led span a wide spectrum: full clearances, full exonerations, merely a lack of corroboration, mixed findings, and everything in between, with a full range of remedies, ranging from terminations of the very people who launched the investigation all the way to self-reporting to the criminal authorities, or the need for changes in premises, or new programs. We conduct our investigations with open minds; we follow the evidence wherever it leads us.

Issues Investigated

We sought to find the truth about the Dolan Claims through a prompt and thorough investigation.

The Dolan Claims provided a few clues:

1. A former police administrator was the source for Mr. Dolan. Who is he/she?
2. Five files were requested by Mr. Dolan in the PIR Request. Which is alleged to be “corrupt?”
3. One way of “corrupting” a file was to alter a student statement.
4. Students were sent to jail, using altered statements, to “protect” Katy ISD.

To be clear, the mission of our team *was* to find any irregularity, dig deep for any inconsistency, not matter how minor, and confront witnesses with these facts, which is the likeliest way to find corruption. We did not dismiss issues as being minor. Instead, we followed inferences from the Dolan Claims and tried to make sense of those allegations. The bottom line is that the Dolan Claims, taken literally, allege criminal oppression by people in positions of power, against children. As such, we were directed to identify any wrongdoing.

Summary of Conclusions

After interviewing over fifty people and reviewing thousands of documents and inspecting dozens of sites, reinvestigating the five files Mr. Dolan identified, and going far beyond the Dolan Claims to try to find any corruption or abuse of process or simple violation of Department rules, we can certify that the Dolan Claims are not supported by the facts, not corroborated by any witness, not suggested at all by the circumstances, and devoid of proof.

No incriminating statement was found to be altered for the purpose of convicting a student falsely; and all five files identified in the PIR Request were solid examples of good policing.

While any Department scrutinized will tend to have areas for improvement, any such findings were minor and involved mundane processes, none of which included fraud, corruption, witness tampering, perjury, or dishonesty.

We also found that this Department has a strong track record for self-policing. For example we found an episode in 2003, wherein an officer altered dates on documents to hide a mistake she had made. The District Attorney's office was informed of the investigation and findings, and the Department went to the Harris County District Attorney's Public Integrity Division and presented the investigation to the Division Chief. All of this information was turned over the District Attorney's office.

Ultimately, that officer was indicted by a Grand Jury of tampering with evidence, and terminated from Katy ISD. This showed a strong commitment to lawfulness, a trait that has remained.

During the course of our investigation, we found Katy ISD's officers know of this zero-tolerance attitude towards altering documents. There is no incentive to alter statements or files; there is much more incentive not to: everyone knows that no-one is exempt from the law, and if officers violate the law, they will be punished. Katy ISD can be proud of its Police Department: leaders and rank-and-file.

The District is less well-served by the Dolan Claims, which wasted the taxpayer moneys which Mr. Dolan could have saved, but chose not to.

Why would a sincerely concerned citizen withhold crucial information that—if shared—would abbreviate the investigation launched into his tip, and why would a truly well-meaning complainant prevent an investigator from knowing which students to protect?

The answer is: he wouldn't. Not if he was sincere, operating in good faith.

It appears Mr. Dolan is playing some sort of media game, and may very well have pretended that he had a tip from an actual person, in order to gain attention and set up a narrative for an agenda.

Mr. Dolan's Refusal to Cooperate

Since it was unclear from the Dolan Claims *who* corrupted *which* file(s) for *what* motive, affecting *which* student(s), and *where* the report originated from, we wanted to hear more from Mr. Dolan.

On February 1, 2019, in town for a completely unrelated investigation for Harris County Department of Education, and wanting to avoid the kind of gamesmanship with posturing emails and public posts I had observed, I went straight to meet the Dolans at a local eatery, Snappy's. We shook hands. I introduced myself and handed Mr. Dolan my business card.

I asked politely if I could sit down with them. Mr. Dolan urged me to sit. I told them what I had been asked to do. I ordered a coffee. The restaurant was packed.

Even though Mr. Dolan was made aware of the cost and scale triggered by his non-specific Claims, and even though it was made clear that if his motivation truly was to prevent false convictions based on altered statements, he would surely let us know the person or the case implicated, and even though he was invited repetitively to short-cut the process, he refused.

Mr. Dolan admitted there were not five "corrupt" files; but only one. He confessed that he requested five files in the PIR Request so as to confuse Katy ISD, and not let the District know which one was real. I urged him to identify which file was the "corrupt" one, because my hourly rate was \$600 an hour. (In fact, I ultimately set my rate lower, due to the workload). I told him it was not a good idea to withhold information if he wanted the practices in his claims stopped.

Mr. Dolan promised to call me back in "an hour" and try to provide me helpful information. He never called back, even though I emailed him several times, seeking his clarification and help. Mr. Dolan instead went to the District to verify I was in fact authorized to conduct this investigation.

Mr. Dolan did not even cooperate with our investigation after he was told of my affiliation with the District, in writing, by General Counsel:

On Feb 1, 2019, at 12:26 PM, Graham, Justin R (GEN COUNSL)
<JustinRGraham@katyisd.org> wrote:

Mr. Dolan,

Given the serious nature of your allegations against Katy ISD's Police Department, the District has hired an external investigator to fully vet this issue. Please accept this email as confirmation that Mr. Jones has been hired to investigate your claims against the Katy ISD Police Department. We ask that you cooperate with him as you see fit. I am copying Mr. Jones on this email as well.

Justin Graham
General Counsel

Thus, we were forced to assess all five files, even though we knew four of them were, by Mr. Dolan's design, red herrings. Also, because the Superintendent was adamant about not wanting any corruption to exist in the Police Department of the District, we were to err on the side of

inclusiveness: even if a narrow focus on the five files did not reveal inappropriate practices, I was to interview as many officers and ex-officers, review as many practices and procedures, and inspect as many places, as would satisfy “due diligence” for the residents of Katy and the students and staff at the District to trust the Department and its officers.

As it took time to review a wide range of foundational documents and case files, and set up interviews with over fifty people, I continued to urge Mr. Dolan to do the right thing.

My emails to Mr. Dolan included these pleas from February 1, 2019 until we started interviews:

Sean:

I’m setting up next week’s schedule of interrogations.

You can help me streamline my process by calling me with any helpful information.

Thanks,
Harry

And again:

To give you my timeline, Sean, I think my team will start the 40+ interviews this coming Wednesday and Thursday; using the days before to dig into info. To handle the scope, we may have to use up to 4 lawyers. This will help you see the upside to targeting our anti-corruption efforts. There’s no way around it: it’s time-consuming and costly.

Thanks again for any help you can give.

Harry

And after Mr. Dolan disingenuously pretended (specifically, texting: “I’ve been busy these last couple hours, but if you don’t mind recapping what it is specifically that you need, I’ll do my best to help get you answers”), only a few hours after we had a conversation at Snappy’s, that he had forgotten what he had promised to give me, an hour later:

Sean:

I’ll respond without District counsel included, because once I start on something like this, I find it better to not let a District or Department have any ability to steer or shift my path to finding the truth, as best I can. I run my own investigations, free of “institutional” minders. I won’t accept any job if I don’t have “operational autonomy.”

My understanding from our chat at Snappy’s today is:

- 1/ you know of a person (X)
- 2/ who knows of a practice
- 3/ or an incidence
- 4/ of student statements

- 5/ being altered to
- 6/ make convictions easier

Mr. Dolan posed a new excuse for his refusal to identify the alleged “dirty case:”

My concern is that if I identify the dirty file, that the district would then be able to clean it up and cover their tracks.

If you can get me a copy of the case files I requested, I would feel more comfortable that a static copy exists on my end, before I identify which case is the one in question.

I quickly solved that issue, telling Mr. Dolan:

Sean, I’ll definitely maintain any “static copies,” and nobody can destroy mine, nor can they direct me to do so. Based on what your wife said, I have already started to dig. But that’s all part of my investigation. All I can ask you to do is to identify the dirty cop(s) and the dirty file(s); I will do my job. My job is made harder by anyone who withholds information, even if for reasons they feel are good.

I’ll reiterate: could you please identify the bad actor(s) or the compromised case(s) in your allegation?

Grateful for any cooperation,
Harry

I have done exactly what I promised in that email. I even spelled out, in detail, what I needed from Mr. Dolan, as an informant, in a subsequent email:

Sean:

I am starting to dig into the next phase of my investigation, which was initiated by your “tip” about “police statements from students ... being changed by Katy ISD police to protect the district.” You wrote that “[t]hese statements are later used in real courts to sentence real students to real jails.”

This next part will include interviews of ALL Katy ISD police officers, as well as attempts to interview all recently separated officers. As I said last week, this will require many hours, and you may (or may not) have specific information that would allow us to streamline that process, to find any corruption, and bring accountability to anyone who has transgressed.

Your hesitation in providing me the names of suspected wrongdoers and victims is, I think, based on mistrust of the District. While I can appreciate that sentiment, if you think about it, that is always the case in every single instance where someone complains about an institution being corrupted; and the only way reform happens is when someone is brave enough to let someone like me know enough to find the wrongdoing, and bring accountability and transparency to the system.

So, I'll ask one more time, and then I really just have to set up the logistics of interviews, and prepare my team to dig into the facts.

The hints I have, which may allow me to find the "needle in a haystack" quicker are:

1. The report seems to have come to you from a "former police administrator."
2. Almost 40 officers¹ have left the department from 2016 through now.
3. Of those, maybe 4 or 5 could be considered "administrators." Are you being literal about "administrator?"
 - a. Your wife added a hint, I suppose, about an officer being arrested, but never convicted, of spousal abuse. Is this the "administrator" I am looking for?
4. You said at Snappy's that you'd requested five police reports, knowing which one was the real one you needed, but asking for five to throw Katy ISD off the scent, as it were. I've been able to look at the list in your January 7, 2019 PIR Form: 18-1834, 18-1673, 18-3001, 18-1792, and 18-1945.
 - a. I have secured original case files for each. Nothing and no one can corrupt my files; we have the best security setup, but also I have them in paper format in my own personal possession.
5. From the list, I can see we are only looking at 2018 cases. Does this mean that I should only be looking at former Katy ISD officers separated in 2018? Or could an officer who left in 2017 also know about altered statements?
6. Your complaint talks about "statements" (plural) being altered and "students" (plural) being wrongfully convicted. However, one case could involve multiple statements and students. But I am sure you said there was only relevant case, when we were at Snappy's.

Any honest help you can give me will streamline my investigation. However, "adding haystacks" (as in naming five cases, when you know which one it is) or not telling me who and what I'm looking for, will necessarily add to our labor, and might even result in an inaccurate finding.

Thanks for any assistance,

Harry

Mr. Dolan simply stopped communicating with me, and tried to contact Police Chief Jinks before I did, to undermine the investigation even as it was starting. The investigation was never "of" Mr. Dolan. The investigation was of the Dolan Claims, and we were intent on finding any such corruption, because altering statements to falsely convict students is criminal and horrendous.

Mr. Dolan was the only one in this entire saga who tried to stop or harm the very investigation his Claims triggered. Everyone else (administrators, officers, students, aides, staff, principals, employees, and third parties) cooperated fully, without any need to repeat the invitation.

INTERVIEWS (OVER 50)

¹ A number which includes security officers.

We reviewed personnel files, ran background searches, reviewed social media, and scoured the records of all current officers. We followed up with over twenty-five interviews of current officers of the Katy ISD police force. While we heard the typical complaints about “work” and office politics, nobody corroborated any kind of corruption. No-one excused tampering with evidence or statements. We pushed hard, and determined this is a scrupulous force, dedicated to integrity, and anyone who is struggling with that commitment tends not to last in the force.

We reviewed personnel files and general background of officers who had left in the last three years. We spoke to over ten departed officers. We did not restrict those interviews to former “administrators” as the Dolan Claims describe; rather, we took a more expansive approach. We tried to follow leads from any witness, to attempt to find even formerly or current disgruntled officers who might, as is often the case with fired employees, be glad to badmouth a former boss. No “corruption” of any kind was identified by any of them; instead, some faulted the Department for hiring too many women, or making a decision against them, or being too strict.

We were never denied any access to any computer program or workstation in the Department. We were able to move freely throughout the District. Witnesses were not “prepped” by anyone before we talked to them; in fact, many were completely perplexed, or even alarmed, at first. Several asked for identification or context. We never got any inkling that the investigation was being undermined or diverted by anyone except Mr. Dolan.

DOCUMENT REVIEW

Our team reviewed all relevant statutes, regulations, laws, cases, Katy ISD case files, organization charts, profiles, histories, social media, personnel files, local and legal Katy ISD policies, memos, discipline documents, discipline records for students, local process for prosecution, new employer profiles and positions, evidence sheets, videos, audios, tips, and related documents. The number of pages we reviewed was in the thousands.

File Review

See attached *Exhibit A* for more detailed information on how we reinvestigated the five files identified in the Dolan Claims.

EXHIBIT A

Assessment of the Five Case Files

Case No. 18-1945

The first file we examined and ruled out was Case No. 18-1945. This matter related solely to a custodian at Mayde Creek High School who lost her master keys on August 31, 2018. No students were involved in the case, no punishment was given, and no statements were relevant; thus, no connection to the Dolan Claims. Nevertheless, we interviewed the Reviewing Officer.

Case No. 18-1792

The second file we excluded from a complete re-investigation was a case of burgled cars in the parking lot of Beck Junior High. Insufficient evidence existed to pursue this matter – no suspects. A couple of cars had broken windows, and property was missing, but no students were questioned, and the case was ultimately closed. However, we did quiz the Reviewing Officer.

Case No. 18-3001

In this case, students were caught improperly leaving the campus of Mayde Creek High, and one was found to be carrying a knife, probably used to fashion a “pipe” for marijuana out of an empty soft drink can. This matter did not feature any statements, the evidence was found on the student’s person, and the only penalty was suspension. However, we interviewed the Officer.

Thus, we were left with Cases Nos. 18-1673 and 18-1834. The methodology was to walk through each of these two cases from start to end, and find any flaw or problem in them. Then, we tried to find any logic for those errors, which exist in many cases without any “corruption,” and if no obvious rationale for harmless error was present, dig deeper.

The Marijuana Bust

Case No. 18-1834 was from Katy High School. A student on a bus was noticed smoking pot, by another student witness. The witness later discussed the conduct with another student, and a teacher overhead, resulting in a report to the assistant principal. An “administrative search” by an assistant principal and security guard revealed marijuana and paraphernalia.

A student statement was handwritten and saved. The suspect was arrested and taken to Fort Bend Juvenile Detention Center. What attracted us to this case as a possible fit for the Dolan Claims was the fact that a “real student” went to “real jail” based on a “student statement.”

We re-investigated the case from start to finish, and went beyond, to look at officer history.

The only apparent issues we saw, after a deep look at every single part of the file was (a) a discrepancy in the weight of the seized marijuana from the time of the search to the time of the arrest, (b) absent photographs of the items seized, and (c) body camera footage.

However, after approaching (without warning) the prosecutors, the student who made the statement, the campus officer, the reviewing officer, the assistant principal in question, the evidence “quartermaster,” the custodian of records, and even inspecting again the seized contraband, no issues remained.

The student—now at a different campus--confirmed every word on her completely voluntary statement. The family of the arrested student accepted his guilt and need to change. He admitted he had the illicit drugs. He consented to the search.

Molly Thurman, the “quartermaster” of Katy ISD Police Department, someone who is praised by all officers, even departed officers, for her honesty and skill, explained the weight difference:

“On every drug that comes in, the officer weighs it, then they package it, but when I weigh it, it includes the packaging. This is normal. When I get it back from the lab, then I weigh it again. That’s the ‘GWT, returning weight.’ I enter this into our database. I use an Excel spreadsheet. It triples my workload, but it’s better to have it a lot of ways. I take it to the lab. When it’s done being analyzed, I pick it back up. But this one hasn’t ever gone into the lab, because it’s a misdemeanor. We still have the pot. [She checked to see if that was true].”

The absence of photographs and body cam videos was explained by Officer Fred Evans of the South Side: “I delivered a CD to the Fort Bend [DA’s] Juvenile office, that contained some form of evidence pertaining to the case. The DA asked for body cams. Captain Tabor put it on a CD. I took it over because I’m close, on the South Side. It’s standard operating procedure.”

We probed the ability of any staff member to modify a case file document or report. We were able to look at each entry. All modifications occurred on August 23, 2018, and were merely updates to the file, made by the arresting or reviewing officer. We are satisfied with this case.

The Fight Case

Original Investigation of Case No. 18-1673 (Fight)

Katy ISD Police offense report dated June 28, 2018 presents a straightforward analysis of a fight at Cinco Ranch Junior High School during summer school. The report, authored by one officer and reviewed by a sergeant, described being called out because of a fight between two students. Video existed, both from the school camera, and a student’s phone. Witnesses were interviewed. Discrepancies on who instigated the fight, and what brought it on, were attempted to be resolved.

Both students ended up receiving administrative consequences (expulsion from summer school) and received written warning citations from the Katy ISD Police Department. One student’s parents disagreed with the resolution and wanted to press charges. However, as video footage was reviewed, those parents were more accepting of the decision, because it did seem more mutual. Body camera footage reviewed over the course of the investigation confirmed the general course of events stated in the report took place. The relative honesty of the students played a role in how the officers decided blame; even though one student did seem to “win” the fight.

Our reinvestigation found generally a competent job by the Police Department officers in defusing a potentially incendiary situation, gaining and preserving the evidence, controlling the scene, and making tough and reasonable choices in a complex scenario. While reasonable minds could differ about the eventual punishment and blame for the fight, the choices made and how those choices were communicated were well within standards, and not in any way “corrupted” or “altered” illicitly.

This case did not involve going to a “real jail,” but we did not exclude it just because the Dolan Claims described “jail.” We looked hard at it, using interrogations and inspections and interviews, and found no reason to label it corrupt or suspicious.